



FISCAL UPDATE Article

Fiscal Services Division

May 3, 2017



SF 404 — RIGHT TO TRY

Description: [Senate File 404](#) allows an eligible patient with a terminal illness to obtain from a pharmaceutical manufacturer a drug, biological product, or device that has cleared Phase 1 of the U.S. Food and Drug Administration Clinical Trial, but has not yet been approved for general use in the U.S., without having to enter the clinical trials of the manufacturer. The Bill creates no obligation for the manufacturer to supply the drug, no obligation for insurance coverage of the drug, no private cause of action against the manufacturer, and no liability of debts to heirs for treatment.

Enactment Date: The Bill was approved by the General Assembly on April 17, 2017, and is currently awaiting approval by the Governor. If enacted, the legislation will take effect on July 1, 2017.

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